

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DAMILARE SONOIKI,

Plaintiff,

v.

HARVARD UNIVERSITY, et al.,

Defendants.

Civil Action No. 1:19-cv-12172-LTS

**PLAINTIFF'S MOTION FOR LEAVE TO FILE SUR-REPLY TO DEFENDANTS' REPLY
IN SUPPORT OF SUMMARY JUDGMENT**

Pursuant to Local Rule 7.1(b)(3), Plaintiff Damilare Sonoiki respectfully requests that this Honorable Court grant him leave to file a Sur-Reply to Defendants' Motion for Summary Judgment and their Reply in Support their Motion for Summary Judgment. The proposed Sur-Reply would be no more than five (5) pages in length and would assist the Court by addressing mischaracterizations of law and fact contained in Defendants' Reply in Response and Motion for Summary Judgment and new cases not provided in the original Motion for Summary Judgment. Plaintiff proposed that the deadline to file the Sur-Reply be three (3) days after any order granting this Motion for Leave is entered.

In further support of this request, Plaintiff states as follows:

1. Defendants filed a Motion for Summary Judgment and Memorandum in Support of the Motion for Summary Judgment on May 31, 2023. ECF Nos. 143 and 144.
2. Plaintiff filed his Memorandum in Opposition to Defendants' Motion for Summary Judgment on June 28, 2023. ECF No. 163.

3. On July 19, 2023, Defendants filed a Reply in Support of their Motion for Summary Judgment. ECF No. 173. The Reply contains issues not brought forth in previous pleadings, mischaracterizations of Plaintiff's claims, and erroneous arguments of law and fact.

4. Plaintiff submits that a Sur-Reply will allow Plaintiff to fully and appropriately address the legal and factual contentions raised in Defendants' Reply in Support, and will facilitate the Court's consideration of Defendants' Motion for Summary Judgment and Plaintiff's Memorandum in Opposition.

5. The parties will not be prejudiced by the allowance of the relief requested in this Motion for Leave.

6. Plaintiff has conferred with Defendants' counsel, who opposes the requested relief.

WHEREFORE, Plaintiff respectfully requests that the Court grant him leave to file Sur-Reply of no more than five (5) pages in length to be filed within three (3) days of any order granting same.

Respectfully submitted,

KOHRMAN JACKSON & KRANTZ LLP

/s/ Susan C. Stone

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Counsel for Plaintiff Damilare Sonoiki

CERTIFICATION PURSUANT TO LOC. R. 7.1(a)(2)

Plaintiff, through his undersigned counsel, conferred with the Defendants concerning the contents of Plaintiff's Motion for Leave, and Defendants' counsel has indicated that they oppose the relief requested herein.

/s/ Susan C. Stone
SUSAN C. STONE (*pro hac vice*)

CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the above document upon all parties with an interest in this matter by electronically filing it through this Court's CM/ECF filing system on July 25, 2023.

/s/ Susan C. Stone
SUSAN C. STONE (*pro hac vice*)